

Stephen Michael Cleary
1 Rodborough Avenue
CROWS NEST NSW 2065

D480/10
RT (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979
(AS AMENDED)**

**Notice to Applicant of Determination of Request
to Modify a Development Consent**

Pursuant to Section 4.55 of the Act notice is hereby given of the determination by the consent authority of your request for a modification to Development Consent No. **480/10** and registered in Council's records as Application No. **480/10/2** relating to the land described as **1 Rodborough Avenue, Crows Nest**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 8 March 2011, has been determined in the following manner: -

1. To modify conditions A1 and C12 to read as follows:

Development in Accordance with Plans (S4.55 Amendments)

A1. The development being carried out in accordance with the following drawings numbered 1001, dated 19/05/2010, drawn by Pratt Minter Consulting Pty Ltd, and received by Council on 1 December 2010 and endorsed with Council's approval stamp, except as modified by highlighting on the following drawings for D480/10/2:

Drawings numbered 195/PLANS Issue Section 96, and 195/ELEVS Issue Section 96, all dated 18.6.18, prepared by Melissa Treadgold Architect and received by Council on 18 June 2018.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information)

BASIX Certificate

C12. Under clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. A242428_04 for the development are fulfilled. Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure the proposed development will meet the Government's requirements for sustainability and statutory requirements)

2. *To insert new conditions nos. A4 and C16 as follows:*

Terms of Consent (D480/10/2)

A4. Approval is granted for the following works as shown on drawings numbered 195/PLANS Issue Section 96, and 195/ELEVS Issue Section 96, all dated 18.6.18, prepared by Melissa Treadgold Architect and received by Council on 18 June 2018:

- (a) Relocation of the approved staircase on the ground floor;
- (b) Reconfiguration of the internal layout including an open plan living area and a kitchen on the ground floor at the rear of the dwelling and a revised first floor layout to provide a study, a master bedroom, a walk-in-robe and a bathroom; and
- (c) Fenestration changes including a new laundry window and a high-light window to the kitchen on the ground floor on the southern elevations, retention of existing first floor windows on the southern elevation and full height first floor bedroom windows with vertical portions on the eastern (rear) elevation to replace approved windows.

No approval is given or implied in this consent for any other works, both internal and external, within the subject property.

(Reason: To ensure the terms of the consent are clear.)

The conditions attached to the original consent for Development Application No. 480/10 by endorsed date of 8 March 2011 still apply.

ADVISINGS

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **the undersigned**. However, if you wish to pursue your rights of appeal in the Land and Environmental Court pursuant to Section 8.7 of the Environmental Planning and Assessment Act 1979 (as amended), you are advised that Council generally seeks resolution of such appeals through a Section 34 Conference, instead of a full Court hearing, subject to any further advice to the contrary from Council's Solicitors and senior staff. Such an approach is less adversarial, it achieves a quicker decision than would be the case through a Court hearing and it can give rise to considerable cost and time savings for all parties involved. The use of the Section 34 Conference approach requires the appellant to agree, in advance and in writing, that the Court appointed assessor will be given the full authority to completely determine the matter at the conference.
- (b) Pursuant to Section 8.2, an applicant is able to request Council to review its determination. An application for a review under Section 8.2 of the Act must be made no later than 28 days after the date on which the application for the modification of the development consent was determined.
- (c) Prior to commencing any building, subdivision or associated constructions works, the following provisions of the Environmental Planning and Assessment Act 1979 (the 'Act') are to be complied with:

- (i) A Construction Certificate is to be obtained in accordance with Section 6.3 of the Act.
- (ii) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 6.6 of the Act.
- (iii) Council is to be notified at least two (2) days of the intention to commence building works, in accordance with Section 6.6(2)(a) of the Act.
- (d) You are advised that changes to the external configuration of the building, changes to the site layout, density and unit configuration internal changes to the proposed building or any changes to the proposed operation of a use **MAY** require the submission of a further modification under Section 4.55 of the Environmental Planning & Assessment Act, 1979 (as amended).

Council staff would be pleased to assist in identifying such changes which may require the submission of a modification of a Development Application under Section 4.55 of the Environmental Planning & Assessment Act.

DATE

Signature on behalf of consent authority
ROBIN TSE
A/TEAM LEADER (ASSESSMENTS)